

State of Alabama Unified Judicial System	<h1>CRIMINAL CASE ACTION SUMMARY</h1>		Case Number CC 90 008
form C-6 Rev 10/88			
IN THE _____ CIRCUIT COURT OF _____ COUNTY			
<input type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> City of _____ v. _____		Distinguishing Features:	
Defendant Billy Gay Alls		SSAN	
		Sex	Race DOB Eyes Hair Height Weight
Case Number CC 90 008 <input checked="" type="checkbox"/> Jury Non Jury Charges <input type="checkbox"/> Misd. <input checked="" type="checkbox"/> Fel. <input type="checkbox"/> Mun. Ord. Viol. <input type="checkbox"/> App. Murder Theft - First Degree		Date War/Cap. Issued 02-07-90	Date Committed to Jail 02-07-90
Date Arrested 02-07-90		<input checked="" type="checkbox"/> Incarcerated On Bond	Date Released on Bond
Prosecutor Milford		Judge ID	Bond Amount
Attorney(s) Hon Cleveland, A Tom Jones, A P.O. Box 156A Cuburn Al 36831			Bond Type & Sureties
Grand Jury No.		Bond Type & Sureties	
Date of Indictment		Bond Type & Sureties	
Date of Trial		Bond Type & Sureties	
Type of Officer: Hawes		<input type="checkbox"/> Municipal <input type="checkbox"/> State <input checked="" type="checkbox"/> County <input type="checkbox"/> Conservation	
Additional Information And Remarks: No further action at this time.			
DATE	ACTIONS, JL		
2-28-90	Motion For Discovery By The State		
3-8-90	Motion For Hearing (def.)		
3-8-90	Motion for Investigation of Sanity of def.		
EXHIBIT A			
4/4/90 Honorable Don Cleveland is hereby appointed as counsel of record in this matter along with Honorable Tom Jones.			

On this 1st day of March, 1990, the Defendant, Billy Gay Alls, before arraignment, stated he did not have an attorney, had no funds or property with which to pay an attorney, and wanted the Court to appoint an attorney for him. After consideration by the Court, the Court appointed Honorable Tom Jones to represent the defendant upon arraignment and throughout all further proceedings in this case.

At arraignment came Honorable Rea Clark who prosecutes for the State of Alabama. Also came in Open Court the Defendant, Billy Gay Alls, in his own proper person and attended by his counsel, Honorable Tom Jones, and the Defendant being duly arraigned upon said indictments, reading of the indictments being duly waived, for his pleas thereto says, in the presence of and with the consent and approval of his said counsel, that he is not guilty in manner and form as charged.

IT IS THEREFORE ORDERED AND ADJUDGED BY the Court that the Defendant, Billy Gay Alls, is hereby remanded to jail or released on bond pending the trial of this matter which is hereby scheduled during the term of Court which commences on April 16, 1990. The Defendant was informed that a pre-trial conference is scheduled in this case on April 4, 1990, at 9:30 a.m., and it will be necessary for said Defendant to be before the Court at that time. Existing bond continues in effect. The Defendant is given ten (10) days to file any special pleas or motions going to the form of the indictment.

DATED this 1st day of March, 1990.

[Signature]
DALE SEGREST, Circuit Judge

State of Alabama Unified Judicial System		CASE ACTION SUMMARY CONTINUATION		Case Number	
Form C-7 Rev. 2/79				CL 90 008	ID YR Number
Style:		Page Number _____ of _____ Pages			
DATE	ACTIONS, JUDGMENTS, CASE NOTES				
1-21-91	Motion				
2-21-91	Second Motion For Additional Extraordinary Expenses				
3-14-91	Order filed - copy mailed to counsels of record & D.A.				
4-13-98	Motion For An Order				
4-22-98	Order filed - copy mailed to defendant & DA				
5-22-98	Motion For An Order - copy mailed to Judge Segrest				
2-22-99	Motion For An Order "Nunc Pro Tunc" - copy mailed to Judge Segrest				
3-3-99	Order filed - copies mailed				
12-2-02	Motion For Discovery				
12-12-02	Order denying motion for Discovery - copy to def & DA				
1-16-03	Notice of Appeal				
1-16-03	Appeal Mailed to Ct of Criminal Appeals, AG, DA & def				
1-30-03	Certificate of Judgment - Appeal dismissed non-appellable				
3-4-05	Motion For Discovery				
3-8-05	Order filed - Denied - copy to DA & def				

State of Alabama Unified Judicial System Form C-6 Rev 10/88		CRIMINAL CASE ACTION SUMMARY				Case Number CC 90 007	
IN THE _____ CIRCUIT		COURT OF _____ RANDOLPH				COUNTY	
<input type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> City of _____		Distinguishing Features:					
Defendant Billy Gay Alls		Address		SSAN		Sex Race DOB Eyes Hair Height Weight	
Case Number CC 90 007		<input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non Jury		Date Arrested 02-07-90		<input checked="" type="checkbox"/> Incarcerated <input type="checkbox"/> On Bond	
Charges <input type="checkbox"/> Misd. <input type="checkbox"/> Mun. Ord. Viol.		<input checked="" type="checkbox"/> Fel. <input type="checkbox"/> App.		Prosecutor Milford		Judge ID	
Capital Murder (Murder during robbery in the first degree)		Attorney(s) <i>Tom Jones, A</i> <i>Don Cleveland, A</i>		Date War/Cap. Issued 02-07-90		Date Committed to Jail 02-07-90	
Defendant Index		Court Calendar		Date Released on Bond		Bond Amount	
Type of Officer: Hawes		<input type="checkbox"/> Municipal <input checked="" type="checkbox"/> County		<input type="checkbox"/> State <input type="checkbox"/> Conservation		Date Prelim. Hearing	
Additional Information And Remarks:		Grand Jury No. 66		Date of Indictment		Bond Type & Sureties	
DATE		ACTIONS, J					

Case No. CC 90-007

On this 1st day of March, 1990, the Defendant, Billy Gay Alls, before arraignment, stated he did not have an attorney, had no funds or property with which to pay an attorney, and wanted the Court to appoint an attorney for him. After consideration by the Court, the Court appointed Honorable Tom Jones to represent the defendant upon arraignment and throughout all further proceedings in this case.

At arraignment came Honorable Rea Clark who prosecutes for the State of Alabama. Also came in Open Court the Defendant, Billy Gay Alls, in his own proper person and attended by his counsel, Honorable Tom Jones, and the Defendant being arraigned upon said indictments, reading of the indictments being duly waived, for his pleas thereto says, in the presence of and with the consent and approval of his said counsel, that he is not guilty in manner and form as charged.

IT IS THEREFORE ORDERED AND ADJUDGED by the Court that the Defendant, Billy Gay Alls, is hereby remanded to jail or released on bond pending the trial of this matter which is hereby scheduled during the term of Court which commences on April 16, 1990. The Defendant was informed that a pre-trial conference is scheduled in this case on April 4, 1990, at 9:30 a.m., and it will be necessary for said Defendant to be before the Court at that time. Existing bond continues in effect. The Defendant is given ten (10) days to file any special pleas or motions going to the form of the indictment.

DATED this 1st day of March, 1990.

Dale Segrest
 DALE SEGREST, Circuit Judge

4/4/90 Honorable Don Cleveland is hereby appointed as counsel of record in this matter, along with Honorable Tom Jones.

Dale Segrest
 DALE SEGREST

ACRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 1990 000007.
JUDGE ID: XXX

STATE OF ALABAMA VS ALLS BILLY GAY

DATE ACTION, JUDGMENTS, CASE NOTES

4-11-05 Motion On Petition To Restrict The Prosecutor
From Introducing The Issue of Alleged Confessions

4-11-05 Motion To Act As Co-Counsel

4-11-05 Denies Motion On On The Alternative a Bill of
Particulars

4-11-05 Motion For Appointment of Counsel

4-11-05 Motion To Withdraw Guilty Plea and Enter
A Plea of Not Guilty

4-11-05 Motion To Dismiss Indictment

4-11-05 Motion For Judgment of Acquittal Or On The
Alternative For New Trial Or Grant of Judgment

**EXPLANATION OF RIGHTS AND
PLEA OF GUILT
(After Indictment)**

State of Alabama

v.
Billy G. Alk
Defendant

Case Number

STATE OF ALABAMA

In the

Circuit Court

Randolph County

TO THE ABOVE NAMED DEFENDANT:

This is to inform you of your rights as a defendant in this criminal case. Under the indictment returned against you in this case by the Grand Jury of this county, you are charged with the crime of Murder which is a Class A Felony.

In the event you plead guilty to said crime or the jury finds that you are guilty of said crime, the law provides for punishment in the penitentiary for not less than 10 yrs nor more than Life w/o Parole for such offense and/or by imposition of a fine not to exceed \$ 20,000, including the following enhanced sentencing provisions: Min Sentence of 20 yrs

Provided further, that at a sentencing hearing should the State of Alabama prove to the Court that prior to committing this offense you have previously been convicted of any one (1) felony, then the said imprisonment term must be not less than 15 yrs nor more than Life w/o Parole and a fine not to exceed \$ 20,000 may be imposed. Likewise, if the State proves you have been so convicted of any two (2) prior felonies, then the punishment imposed will be a term of imprisonment for not less than Life nor more than Life and/or a fine not to exceed \$ 20,000. And, if the State proves that you have been so convicted of any (3) prior felonies, then the said imprisonment shall be for not less than Life w/o Parole nor more than Life w/o Parole, and a fine not exceeding \$ 20,000 may be imposed. If you have been sentenced to imprisonment for another crime, the sentence imposed in this case may run consecutively or concurrently with your other sentence.

Further, you may be ordered to pay restitution in an amount determined by the Court, for the use and benefit of the victim of your criminal offense.

In accordance with § 15-23-17, Code of Alabama 1975, you shall be ordered to pay a victim compensation assessment of not less than \$50.00 nor more than \$10,000.00

IN ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING A TRIAL BY JURY AND THE FOLLOWING RIGHTS TO WHICH YOU ARE ENTITLED IN THE EVENT OF A TRIAL:

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the jury, you have the right to take the witness stand and testify on your own behalf, if you so desire, but no one can require you to so testify. If you testify, you can be cross-examined by the State. If you do not testify, no one can even comment to the jury as to your failure to testify. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand on your plea of not guilty, and the right to a public trial before a duly selected jury. In a jury trial, the jury would determine whether you are guilty or whether you are innocent, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that he felt were objectionable, cross-examine the witnesses of the State, examine your own witnesses, and argue the matter before the jury. He would be bound to do everything that he could honorably and reasonably do to see that you obtain a fair and impartial trial. You have the right to have witnesses subpoenaed to testify as to pertinent facts in your favor.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the State convinces each juror, beyond a reasonable doubt of your guilt. The burden of proof is upon the State of Alabama to convince each and every juror, from the evidence in the case, that you are guilty beyond a reasonable doubt before the jury would be authorized to find you guilty. If the State does not meet such burden of proof, it will be the jury's duty to find you not guilty. You will have no burden of proof whatsoever in your trial.

To the charges set forth in the information, you have the right to enter a plea of guilty, not guilty, not guilty by reason of mental disease or defect, and not guilty and not guilty by reason of mental disease or defect. You will enter a plea of guilty only if you are actually guilty of said crime and if you do not desire a jury trial.

IF YOU PLEAD GUILTY, THERE WILL BE NO JURY TRIAL OR TRIAL ON THE ISSUE OF YOUR GUILT AND YOU WILL BE WAIVING THE RIGHTS ENUMERATED ABOVE.

The Court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of these rights, please ask the undersigned judge and he will make further explanation thereof to you.

2/4/91
Date

Dale S. Smith
Judge

Comes the defendant in the above-styled cause and states to the Court that he has read, or has had read to him, the matters and rights hereinabove set forth; that his attorney has discussed said matters and rights with him in detail and that he, the defendant, fully understands them; that he is not under the influence of any drugs, medicines or alcoholic beverages and has not been threatened or abused or offered any inducement or reward to get him to plead guilty. Defendant further states to the Court that he is guilty as charged in this case, desires to plead guilty, and knowingly, voluntarily and intelligently waives his rights to a trial of this cause.

4 Feb 91
Date

Billy Alh
Defendant

Comes the attorney for the above-styled defendant and certifies that the above and foregoing rights were read by the defendant in my presence, or were read to him by me, that I discussed such rights with the defendant, in detail, and that a copy of the above rights was given to the defendant or me. Having gone over his rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands his rights and knowingly, intelligently and voluntarily waives his rights to a trial and knowingly, voluntarily and intelligently enters a plea of guilty.

4 Feb 91
Date

Del R. [Signature]
Attorney

Filed in Office this Date: _____ Clerk _____ By _____

Sample Form 70, ARCrP

EXPLANATION OF RIGHTS AND
PLEA OF GUILT
(After Indictment)

State of Alabama

CC 90-007

Case Number

Billy G. All
Defendant

STATE OF ALABAMA

In the Georgia Court
Randolph County

TO THE ABOVE NAMED DEFENDANT:

This is to inform you of your rights as a defendant in this criminal case. Under the indictment returned against you in this case by the Grand Jury of this county, you are charged with the crime of Robbery which is a Class A Felony.

In the event you plead guilty to said crime or the jury finds that you are guilty of said crime, the law provides for punishment in the penitentiary for not less than 10 yrs nor more than Life for such offense and/or by imposition of a fine not to exceed \$ 22,000, including the following enhanced sentencing provisions:

Provided further, that at a sentencing hearing should the State of Alabama prove to the Court that prior to committing this offense you have previously been convicted of any one (1) felony, then the said imprisonment term must be not less than 15 yrs nor more than Life and a fine not to exceed \$ 22,000 may be imposed. Likewise, if the State proves you have been so convicted of any two (2) prior felonies, then the punishment imposed will be a term of imprisonment for not less than Life nor more than Life and/or a fine not to exceed \$ 22,000. And, if the State proves that you have been so convicted of any (3) prior felonies, then the said imprisonment shall be for not less than Life w/o Parole nor more than Life w/o Parole, and a fine not exceeding \$ 22,000 may be imposed. If you have been sentenced to imprisonment for another crime, the sentence imposed in this case may run consecutively or concurrently with your other sentence.

Further, you may be ordered to pay restitution in an amount determined by the Court, for the use and benefit of the victim of your criminal offense.

In accordance with § 15-23-17, Code of Alabama 1975, you shall be ordered to pay a victim compensation assessment of not less than \$50.00 nor more than \$10,000.00

IN ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING A TRIAL BY JURY AND THE FOLLOWING RIGHTS TO WHICH YOU ARE ENTITLED IN THE EVENT OF A TRIAL:

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the jury, you have the right to take the witness stand and testify on your own behalf, if you so desire, but no one can require you to so testify. If you testify, you can be cross-examined by the State. If you do not testify, no one can even comment to the jury as to your failure to testify. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand on your plea of not guilty, and the right to a public trial before a duly selected jury. In a jury trial, the jury would determine whether you are guilty or whether you are innocent, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that he felt were objectionable, cross-examine the witnesses of the State, examine your own witnesses, and argue the matter before the jury. He would be bound to do everything that he could honorably and reasonably do to see that you obtain a fair and impartial trial. You have the right to have witnesses subpoenaed to testify as to pertinent facts in your favor.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the State convinces each juror, beyond a reasonable doubt of your guilt. The burden of proof is upon the State of Alabama to convince each and every juror, from the evidence in the case, that you are guilty beyond a reasonable doubt before the jury would be authorized to find you guilty. If the State does not meet such burden of proof, it will be the jury's duty to find you not guilty. You will have no burden of proof whatsoever in your trial.

To the charges set forth in the information, you have the right to enter a plea of guilty, not guilty, not guilty by reason of mental disease or defect, and not guilty and not guilty by reason of mental disease or defect. You will enter a plea of guilty only if you are actually guilty of said crime and if you do not desire a jury trial.

IF YOU PLEAD GUILTY, THERE WILL BE NO JURY TRIAL OR TRIAL ON THE ISSUE OF YOUR GUILT AND YOU WILL BE WAIVING THE RIGHTS ENUMERATED ABOVE.

The Court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of these rights, please ask the undersigned judge and he will make further explanation thereof to you.

Date

2/4/91

Judge

Dale Synt

Comes the defendant in the above-styled cause and states to the Court that he has read, or has had read to him, the matters and rights hereinabove set forth; that his attorney has discussed said matters and rights with him in detail and that he, the defendant, fully understands them; that he is not under the influence of any drugs, medicines or alcoholic beverages and has not been threatened or abused or offered any inducement or reward to get him to plead guilty. Defendant further states to the Court that he is guilty as charged in this case, desires to plead guilty, and knowingly, voluntarily and intelligently waives his rights to a trial of this cause.

4 Feb 91

Date

Billy Allr

Defendant

Comes the attorney for the above-styled defendant and certifies that the above and foregoing rights were read by the defendant in my presence, or were read to him by me, that I discussed such rights with the defendant, in detail, and that a copy of the above rights was given to the defendant or me. Having gone over his rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands his rights and knowingly, intelligently and voluntarily waives his rights to a trial and knowingly, voluntarily and intelligently enters a plea of guilty.

4 Feb 91

Date

[Signature]

Attorney

Filed in Office this Date: _____ Clerk _____ By _____

Sample Form 70, ARCrP

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, ALABAMA

STATE OF ALABAMA)
VS.) CASE NO. CC-90-007
BILLY GAY ALLS)

SENTENCING ORDER

The Defendant, Billy Gay Alls, and the attorneys for the Defendant, Honorable Thomas E. Jones and Honorable Donald R. Cleveland, being present in Court, made known the desire of the Defendant to plead guilty to the charges of murder and robbery in the first degree, which are lesser included offenses as those charged in the indictment. The Court was presented with a Plea Agreement executed by the Defendant, counsel for the Defendant, and the District Attorney. The Court then accepted the Plea Agreement submitted by the parties.

The Court conducted a full colloquy with the Defendant, advising him of his constitutional rights and being assured that the attorneys for the Defendant had likewise advised the Defendant of his constitutional rights. The Court further advised the Defendant that in the event his guilty plea is later successfully attacked on appeal, the State has the right to reindict the Defendant on the capital murder charge and seek the death penalty following a trial. The Defendant waived all constitutional rights and requested that his plea of guilty be accepted.

The Court ascertained from the Defendant that there are sufficient facts on which to base the plea of guilty. The entire proceeding was recorded by the Court Reporter.

Based upon the Defendant's plea, the Court finds the Defendant, Billy Gay Alls, guilty of murder, which is a lesser included offense as charged in the indictment; and further finds the Defendant, Billy Gay Alls, guilty of robbery in the first degree, a lesser included offense as charged in the indictment.

The Court made the pronouncement of guilty, and the Defendant was afforded allocution.

It is the judgment and sentence of the Court that the Defendant, Billy Gay Alls, be and he is sentenced to the penitentiary of the State of Alabama in connection with the murder conviction for a life term. In connection with the robbery conviction, the Defendant is sentenced to the penitentiary of the State of Alabama for a life term. The sentences imposed in connection with these convictions are to run consecutively. The Defendant is to be given credit for time served in connection with these charges.

The Defendant is ordered to pay the costs of these proceedings, said costs to include the reimbursement to the State of Alabama for the costs of the Defendant's court-appointed counsel, and any medical and/or dental expenses incurred while incarcerated in the County Jail. IT IS FURTHER ORDERED that the Defendant pay the sum of \$50.00 to the Victim's Compensation Fund of the State of Alabama. Payment of all sums indicated above is a condition to any form of early release for the Defendant.

As per the Plea Agreement, any other offenses charged the indictment are dismissed. Further, as per the Plea Agreement, Case No. CC-90-008 is nolle prossed.

The Clerk of the Court is to mail a copy of this Sentencing Order to counsel of record for the Defendant and the Office of the District Attorney.

SIGNED this 4th day of February, 1991.


DALE SEGREST, Circuit Judge

Filed in Office

FEB - 4 1991

CE. B. FIELD
Clerk of Circuit Court